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C O N F I D E N T I A L SECTION 01 OF 02 WELLINGTON 000293

SIPDIS

STATE FOR L/LEI: DENISE MANNING, NP/RA EYTHAN SONTAG,
AND EAP/ANZ
DOJ FOR WAYNE RAABE
USCG FOR LCDR BRAD KIESERMAN

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TAGS: [KNNP](#) [KTIA](#) [MNUC](#) [PARM](#) [PREL](#) [PHSA](#) [EWWT](#) [PGOV](#) [NZ](#)

SUBJECT: NEW ZEALAND SUPPORTS THE EXISTING DRAFT SHIP
BOARDING AMENDMENTS TO THE SUA CONVENTION

REF: SECSTATE 55182

Classified By: Acting DCM Katherine Hadda,
for reasons 1.4 (b) and (d).

1. (C) Summary: New Zealand is likely to oppose efforts to reopen the draft SUA 8bis text, and hopes the United States will support the Canadian text for Article 2bis. New Zealand strongly supports the Proliferation Security Initiative (PSI), and feels the proof of the exercise's effectiveness will be how well it enhances enforcement mechanisms at the border. NZ officials have encouraged Pacific Island nations to adopt PSI, and may be willing to encourage others in Asia to sign on as well. Our key Foreign Ministry interlocutor on PSI believes a slow, regional approach may be the best way to encourage ASEAN nations' participation in the initiative. End Summary.

1. (C) On March 31, Pol-Econ Couns shared reftel demarche points with Caroline Bilkey, Deputy Legal Advisor at the Ministry of Foreign Affairs and Trade (MFAT), a key Government legal advisor on PSI and Counter-terrorism issues. Bilkey had heard from the NZ rep who attended the February Interseasonal meeting that Greece had wanted to reopen the 8bis language in the draft SUA amendments, but was very surprised to learn that other countries were now supporting the Greek position. None of the countries who are interested in reopening the text have approached New Zealand about the issue, she said. Bilkey added that she could not imagine that New Zealand would agree to reopen the text and said she would recommend against it. In her view, it is especially important to leave the existing draft as it is because the proposed language was only approved by a very narrow margin and there are more important issues to talk about.

2. (C) Bilkey said that one part of the text that New Zealand is concerned about is Article 2bis, where the Kiwis would like to see a carve out for the NPT. New Zealand strongly supports the Canadian text and hope the United States will support it as well.

3. (C) Bilkey attended the PSI Operational Experts Group Meeting in Omaha in March, which she found very useful. She regretted the NZ contingent there was so small. (The Defence Force lawyer had a family emergency and another representative was similarly unable to attend.) Bilkey stressed that New Zealand really supports PSI, and has been pleased if a bit bemused to seemingly have graduated from an observer to a participant (albeit one with very limited military resources to contribute). She was struck at Omaha by how different governments seem to be emphasizing different aspects of the initiative, as evident by their choice of lead agencies. Japan was clearly managing the initiative through its foreign affairs ministry, while Singapore and the United States were concentrating more on the military aspects. Revealing her own bias in the matter (not surprisingly, given the small size of the NZ military), Bilkey said ideally we should get to the point where border and export controls will make military intervention unnecessary.

4. (C) Bilkey will not be attending the April 18-22 Legal Committee meeting. New Zealand's chief delegate there will be MFAT's new Legal Advisor, Gerard Van Bohemen, who will not formally start in his position until June. Bohemen has for some years been in private practice at the Wellington law firm Chen and Palmer. Bringing in an outside legal advisor is unusual, according to Bilkey, but Bohemen used to work at MFAT so this may be part of the reason he is being given the job. (Comment: Personal connections doubtless are also at work, as the "Palmer" is former Labour PM Geoffrey Palmer. End comment.)

5. (C) New Zealand has been encouraging others to join PSI, according to Bilkey. MFAT has stressed the importance of the initiative to Pacific Island states, including through a monthly newsletter to those governments. Pol-Econ Counselor asked whether New Zealand would consider encouraging other hold-outs to join. She raised Thailand specifically, pointing out that New Zealand's recent Free Trade Agreement with and close ties to Thailand should give the Kiwis some

influence there. Bilkey said she had already briefed the lead Thai lawyer on the legal opinion drafted by her department that had allowed the NZ Government to join PSI. She said her sense from discussions with the lawyer is that the Thai bureaucracy is both complex and powerful, and that there seems to be one ministry still opposed to Thailand's joining the initiative. She said she would definitely be open to further approaches to her Thai counterparts if that would be useful. Bilkey also believes that a slow, regional approach could be the best means to encourage ASEAN and other regional hold-outs to participate in PSI.

Burnett